IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18149 of 2003

Between:

M/s. Sri Balaji Agro Tech, Rep. by its Proprietor, Mr. S. Sabarinath,
2/156, Ponnai Salai, New Agravaram, Mukundarayapuram, Walaj Taluk, Vellore District- 632 405, Tamilnadu.

..... PETITIONER

AND

The Additional Assistant Commercial Tax Officer - I, Chittoor.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction declaring the detention order dated 21.8.2003 passed by the Respondent as illegal, and without jurisdiction and contrary to Section 29-B of the APGST Act and direct the Respondent to release two tankers bearing No. MH04 P4889 and PY01H 6474 containing 9715 kg and 9895 kg of coconut oil valued at Rs. 6,30,970/- and Rs. 6, 42,660/- forthwith.

Counsel for the Petitioner:MR.P.SRINIVASA REDDY.

Counsel for the Respondent : SPL GP FOR TAXES

The Court made the following :

ORDER : (Per Sri Bilal Nazki, J).

The vehicles of the petitioner, carrying coconut oil, were detained by the respondents. The action of the respondents is challenged by way of this Writ Petition.

Case of petitioner is that the oil was being taken from Tamilnadu State to Maharashtra State and as a procedure, he had to obtain an Entry Pass while entering the State of Andhra Pradesh and deposit it while leaving the State of Andhra Pradesh. Before leaving the final point in Andhra Pradesh, he was intercepted.

This is a matter, which needs an enquiry. On the day when the Writ Petition was entertained on 03.09.2003, the Court has already ordered release of vehicles on payment of Rs.1,00,000/- and we are told that vehicles were released on deposit of Rs.1,00,000/-. Therefore, it will serve no purpose to keep this Writ Petition on board and we dispose it of, directing the respondents to complete the enquiry and pass appropriate orders within a period of one month from the date of receipt of a copy of this order. The deposit made in pursuance of the order of this Court shall be without prejudice to the

rights of the petitioner, subject to outcome of the enquiry.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

5th August, 2004.

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(S.ANANDA REDDY, J)

ajr.

To

1 The Additional Assistant Commercial Tax Officer - I, Chittoor.

2 Two C.Cs. to the Special GP for Taxes, High Court Buildings,

Hyderabad (O.U.T.).

3 Two C.D. copies.